



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,101	05/08/2001	Alan Cushway	017 . 39626X00	9587
20457	7590	04/02/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			FARKHONDAR, FARIMA	
			ART UNIT	PAPER NUMBER
			2681	5

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/850,101	CUSHWAY, ALAN	
	Examiner Farima Farkhondar	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 5/8/01.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 23, 25, 27-30, 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima, US Patent Application 2002/0160765, in view of Hansson, US Patent 6023620.

Regarding claims 1 and 49, Okajima discloses a grapevine driven updating method comprising: providing a first piece of updated data to a first mobile terminal (page 2, paragraph 19, especially lines 17-20 and paragraph 20); and forwarding the first updated piece of data from the first mobile terminal to the second mobile terminal via the communication link (page 2, paragraph 17). Okajima does not disclose initiating an inquiry from the first mobile terminal to a second mobile terminal via a communication link, the inquiry asking the second mobile terminal whether it wishes to receive the first updated piece of data; forwarding a response from the second mobile terminal to the first mobile terminal via the communication link in response to the inquiry from the first mobile terminal, the response acknowledging that it wishes to receive the first updated piece of data; However, Hansson teaches initiating an inquiry from a mobile communication system to a second mobile terminal via a communication link, the

inquiry asking the second mobile terminal whether it wishes to receive the first updated piece of data; forwarding a response from the second mobile terminal to the first mobile terminal via the communication link in response to the inquiry from the mobile communication system, the response acknowledging that it wishes to receive the first updated piece of data (column 2, lines 41-55, note the radio station in Okajima can also be a base station in a mobile communications system for which see paragraph 19 of Okajima). Therefore it would have been obvious to a person of ordinary skill in the art to combine the above teachings of Hansson with Okajima in order to ensure that the mobile terminal updates the new data that it desires.

Regarding claims 2 and 50, the combination of Okajima and Hansson further discloses initiating an inquiry from the second mobile terminal to the first mobile terminal via the communication link, the inquiry asking the first mobile terminal whether it wishes to receive a second updated piece of data; forwarding a response from the first mobile terminal to the second mobile terminal via the communication link in response to the inquiry from the second mobile terminal, the response acknowledging that it wishes to receive the second updated piece of data; and forwarding the second updated piece of data from the second mobile terminal to the first mobile terminal via the communication link (Okajima - page 5, paragraph 56, also Figure 4, step S16).

Regarding claims 3 and 51, the combination of Okajima and Hansson discloses initiating an inquiry from the second mobile terminal to a third mobile terminal via the

Art Unit: 2681

communication link, the inquiry asking the third mobile terminal whether it wishes to receive the first updated piece of data; forwarding a response from the third mobile terminal to the second mobile terminal via the communication link in response to the inquiry from the second mobile terminal, the response acknowledging that it wishes to receive the first updated piece of data; and forwarding the first updated piece of data from the second mobile terminal to the third mobile terminal via the communication link (Okajima - page 5, paragraph 56, also Figure 4, step S16, note in the combination of Okajima and Hansson once any radio station that has the software can provide the software to any other radio station that does not have the software).

Regarding claims 23, 25 and 27, the combination of Okajima and Hansson further discloses forwarding a response comprises informing a user of the receipt of an inquiry and the user manually forwarding the response subsequent thereto (Hansson - column 2, lines 41-55).

Regarding claims 28 and 52, the combination of Okajima and Hansson discloses the claimed invention. More particularly Okajima discloses a grapevine driven updating method comprising: providing a first piece of updated data to a first mobile terminal (page 2, paragraph 19, especially lines 17-20 and paragraph 20); forwarding a first response from the second mobile terminal to the first mobile terminal via the communication link in response to the inquiry from the first mobile terminal, the first response acknowledging that it wishes to receive updated pieces of data; forwarding a

second response from the second mobile terminal to the first mobile terminal via the communication link (page 3, paragraph 41, lines 1-3), forwarding a list of updated pieces of data stored in the first mobile terminal from the first mobile terminal to the second mobile terminal via the communication link (page 3, paragraph 40, see also Figure 4); and forwarding the first updated piece of data from the first mobile terminal to the second mobile terminal via the communication link (page 4, paragraph 52). In addition, Hansson discloses initiating an inquiry from the first mobile terminal to a second mobile terminal via a communication link, the inquiry asking the second mobile terminal whether it wishes to receive any updated pieces of data (column 2, lines 40-55 note the radio station in Okajima can also be a base station in a mobile communications system, see paragraph 19 of Okajima); forwarding a second response from the second mobile terminal to the first mobile terminal via the, the second response indicating that it wishes to receive the first piece of updated data (column 2, lines 41-55).

Regarding claims 29 and 53, the combination of Okajima and Hansson further discloses initiating an inquiry from the second mobile terminal to the first mobile terminal via the communication link, the inquiry asking the first mobile terminal whether it wishes to receive any updated pieces of data (Okajima – page 4, paragraph 53); forwarding a first response from the first mobile terminal to the second mobile terminal via the communication link in response to the inquiry from the second mobile terminal, the response acknowledging that it wishes to receive updated pieces of data (Okajima – page 4, paragraph 53); forwarding a list of updated pieces of data stored in the second

Art Unit: 2681

mobile terminal from the second mobile terminal to the first mobile terminal via the communication link (Okajima - page 3, paragraph 40, see also Figure 4); forwarding a second response from the first mobile terminal to the second mobile terminal via the communication link, the second response indicating that it wishes to receive a second piece of updated data (Hansson - column 2, lines 40-55); and forwarding the second updated piece of data from the first mobile terminal to the second mobile terminal via the communication link. (Hansson – page 4, paragraph 53)

Regarding claims 30 and 54, the combination of Okajima and Hansson further discloses initiating an inquiry from the second mobile terminal to a third mobile terminal via the communication link, the inquiry asking the third mobile terminal whether it wishes to receive any updated pieces of data; forwarding a first response from the third mobile terminal to the second mobile terminal via the communication link in response to the inquiry from the second mobile terminal, the first response acknowledging that it wishes to receive updated pieces of data; forwarding a list of updated pieces of data stored in the second mobile terminal from the second mobile terminal to the third mobile terminal via the communication link; forwarding a second response from the third mobile terminal to the second mobile terminal via the communication link, the second response indicating that it wishes to receive a second piece of updated data; and forwarding the second updated piece of data from the second mobile terminal to the third mobile terminal via the communication link. (Okajima - page 5, paragraph 56, also Figure 4, step S16, note in the combination of Okajima and Hansson once any radio station that

has the software can provide the software to any other radio station that does not have the software).

3. Claims 4-15, and 31-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima, US Patent Application 2002/0160765, in view of Hansson, US Patent 6023620 and Kilp, US Patent 6463142.

Regarding claims 4, 8, 12, 31, 35, and 39, the combination of Okajima and Hansson does not disclose the communication link comprises a low-power RF transmission system. However, Kilp discloses communication link comprises a low-power RF transmission system (column 3, lines 23-30). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to modify the combination of Okajima and Hansson with the above teachings of Kilp, in order to provide numerous communications mediums as suggested by Kilp (column 3, lines 23-30).

Regarding claims 5, 9, 13, 32, 36, and 40, the combination of Okajima, Hansson and Kilp further discloses the low-power RIF system comprises the Bluetooth System (Kilp - column 3, lines 23-30).

Art Unit: 2681

Regarding claims 6, 10, 14, 33, 37 and 41 the combination of Okajima, Hansson and Kilp further discloses the communication link comprises an optical transmission system (Kilp - column 3, lines 23-30).

Regarding claims 7, 11, 15, 34, 38 and 42, the combination of Okajima, Hansson and Kilp further discloses the optical transmission system comprises an infrared transmission system (Kilp - column 3, lines 23-30).

4. Claims 16, 18, 20, 43, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima, US Patent Application 2002/0160765, in view of Hansson, US Patent 6023620 and Comer, US Patent 5610973.

Regarding claims 16, 18, 20, 43, 45, and 47 the combination of Okajima and Hansson does not disclose initiating an inquiry comprises forwarding an inquiry via the communication link upon detection of another mobile terminal being connected to the communication link. However, Comer discloses initiating an inquiry comprises forwarding an inquiry via the communication link upon detection of another mobile terminal being connected to the communication link (column 6, lines 40-55). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to modify the combination of Okajima and Hansson with the above teachings of Comer , in order to forward an inquiry via the communication link upon detection (as suggested by Comer – column 6, lines 40-45).

5. Claims 17, 19, 21, 44, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima, US Patent Application 2002/0160765, in view of Hansson, US Patent 6023620 and Raith, US Patent 6493550.

Regarding claims 17, 19, 21, 44, 46 and 48, the combination of Okajima and Hansson does not disclose initiating an inquiry comprises forwarding an inquiry via the communication link at preset time intervals. However, Raith discloses initiating an inquiry comprises forwarding an inquiry via the communication link at preset time intervals (column 7, lines 1-3 and 9-11, note "continuously for e.g. every few seconds" reads on "preset time interval"). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to modify the combination of Okajima and Hansson with the above teachings of Raith, in order to forward an inquiry via the communication link at preset time intervals (as suggested by Raith – column 7, lines 1-3).

6. Claims 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima, US Patent Application 2002/0160765, in view of Hansson, US Patent 6023620 and Erekson, US Patent 6493550.

Regarding claims 22, 24 and 26, the combination of Okajima and Hansson does not disclose forwarding a response comprises automatically forwarding a response upon

receipt of the inquiry. However, Erekson discloses forwarding a response comprises automatically forwarding a response upon receipt of the inquiry (column 8, lines 38-41, note broadcast message is an inquiry for which see column 8, line 35). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to modify the combination of Okajima and Hansson with the above teachings of Erekson, in order to have the additional option of automatically responding to an inquiry.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 5812946, Nakabayashi et al., Cordless telephone system Capable of Transmitting Abbreviated Number Information Between Base Station and Personal Station and Method Therefor. telecommunication device capable of calling by using a telephone number stored in an abbreviated dial storing means includes means for selectively transmitting by radio contents of the abbreviated dial storing means to other telecommunication devices, and means for receiving telephone number data from another telecommunication device and writing in radio the telephone number data in the abbreviated dial storing means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farima Farkhondar whose telephone number is 703-305-6285. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farima Farkhondar-Tonsey  
Examiner

March 25, 2004

  
ERIKA GARY  
PATENT EXAMINER